

WHEREFORE, CMT Partners pray for declaratory judgment that the Commission's Order relating to the KUSF violates the United States and Kansas Constitutions, and K.S.A. § 66-2000 *et. seq.* and is, therefore, null and void. CMT Partners further pray for the Court's declaratory judgment vacating and setting aside the Commission's Order. CMT Partners further pray the Court's Order enjoining the Commission from taking any further action to enforce the Commission's Order and for such other and additional relief as the Court deems just and proper.

COUNT III


For Count III of their Petition against the Commission, CMT Partners state as follows:

42. CMT Partners adopt and incorporate by reference as though fully set forth herein paragraphs 1 through 41 of their Petition.

43. The Commission failed to give adequate notice to wireless telecommunications service providers including CMT Partners, of the proceedings by which the Order of December 27, 1996 was issued. This inadequate notice constitutes a violation of the due process rights of CMT Partners. U.S.C.A. Const. Amd. 5, 14. For this reason, the Commission's Order is both unlawful and unreasonable.

WHEREFORE, CMT Partners pray for declaratory judgment that the Commission's Order relating to the KUSF violates the United States and Kansas Constitutions, and K.S.A. § 66-2000 *et. seq.* and is, therefore, null and void. CMT Partners further pray for the Court's declaratory judgment vacating and setting aside the Commission's Order. CMT Partners

further pray the Court's Order enjoining the Commission from taking any further action to enforce the Commission's Order and for such other and additional relief as the Court deems just and proper.



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CERTIFICATE OF SERVICE

I hereby certify that a correct copy of the above was mailed this 5th day of March 1997 to each of the following:

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